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In re Application of
Robert Siman et al
Serial No.: 09/473,619
Filed: December 29, 1999
Attorney Docket No.: CEPH-1447

: WITHDRAWAL OF ABANDONMENT

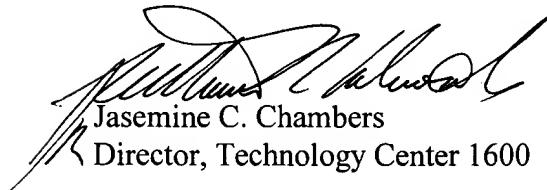
This is in response to the petition under 37 CFR 1.181, filed February 10, 2003, requesting revival of the above-identified application based on timely reply to an Office action.

A review of the file history shows the examiner mailed an Office action (Notice of Incomplete Reply) to applicants on March 1, 2002, setting a one month shortened statutory time period for reply, the reply required being a corrected sequence listing disk. Upon failure to receive a reply the application was held abandoned by Notice of Abandonment mailed to applicants on June 3, 2002. Applicants state that a reply was filed on April 2, 2002 (Certificate of Mailing dated March 28, 2002) as evidenced by an Office date stamped return postcard. The reply has been located in the file of the application and the sequence disk was forwarded for review. However the sequence disk was not acceptable as errors in the listing were detected. It appears that applicants were never informed of the error report by the Office. Further, the Notice of Abandonment which was mailed on June 3, 2002, was mailed prematurely as it was mailed only three months after the March 1, 2002, letter. In view of applicant's timely reply the Notice of Abandonment is withdrawn as having been mailed in error and the application is restored to a pending status with the mailing of this decision.

Applicants' petition is **GRANTED**.

The application will be forwarded to the examiner for mailing of the error report (a copy is also attached to this decision).

Should there be any questions regarding this decision, please contact William R. Dixon, Jr., by mail addressed to Director, Technology Center 1600, PO BOX 1450, ALEXANDRIA, VA 22313-1450, or by telephone at (703) 308-3824 or by facsimile transmission at (703) 305-7230.


Jasemine C. Chambers
Director, Technology Center 1600